

Public Participation Plan

Elliott Bay/Duwamish Restoration Program

Prepared for the
Elliott Bay/Duwamish Restoration Program Panel
by the
Public Participation Committee
Panel Publication 6

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Individuals and organizations wishing to receive further information about the Elliott Bay/Duwamish Restoration Program should contact the Administrative Director at the following address and telephone number:

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The Panel, its technical working groups and its committees hold regularly scheduled meetings that are open to the public. Meetings are generally held at the National Oceanic and Atmospheric Administration, Northwest Fisheries Science Center auditorium, 2725 Montlake Boulevard East, Seattle. Because meetings are sometimes rescheduled and locations changed, the Panel recommends that you contact Robert C. Clark Jr., Administrative Director, at (206) 526-4338 to confirm the meeting schedule. The Panel also schedules periodic special meetings, such as public information meetings and workshops.

Regularly scheduled meeting dates

Panel: First Thursday of every month, 9:30 a.m.-12:30 p.m.

Sediment Remediation Technical Working Group: Second and last Thursday of every month, 1-4 p.m.

Habitat Development Technical Working Group: Second and last Thursday of every month, 9 a.m.-noon.

Public Participation Committee: Second Monday of every month, 1:30-4 p.m.

Environmental Review of Specific Projects

Formal hearings and comment periods on appropriate environmental documents for each proposed habitat development and sediment remediation project will be observed. Please contact the Administrative Director for more information.

This information is available on request in accessible formats for people with disabilities by calling (206) 684-2046 (voice) or (206) 689-3413 (TTY).

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Public Participation Plan

The Elliott Bay/Duwamish Restoration Program is responsible for planning, designing and implementing sediment remediation, habitat development and source control projects in Elliott Bay and the Duwamish River over a six-year period, which began in 1992. The Program was established through the settlement of a federal lawsuit¹ that alleged injuries to natural resources in Elliott Bay and the lower Duwamish River up to the head of navigation as a result of discharges from combined sewer overflows and storm drains. Under a consent decree, federal, tribal, state and local governments began the first cooperative, intergovernmental effort to clean up contaminated sediment and restore aquatic and benthic habitats in an urban waterway.

The Program, which has a \$24-million, six-year budget, is managed by a Panel representing federal, state, tribal and local governments. Members of the Panel include the National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, Washington State Department of Ecology, Suquamish Tribe, Muckleshoot Indian Tribe, City of Seattle and King County Department of Metropolitan Services (Metro). Within the \$24-million budget, \$12 million is set aside for sediment remediation projects, \$5 million for habitat development projects, up to \$5 million for acquisition of real estate for habitat development and up to \$2 million for source control measures in addition to those being planned and implemented by the City of Seattle and Metro. The Panel's approach to implementing the Program is described in its *Concept Document*, June 1994.

Two technical working groups formed by the Panel — one for habitat development and one for sediment remediation — assist the Panel with the evaluation of potential sites, the development of criteria for site selection and the design and implementation of selected projects. A Public Participation Committee formed by the Panel is responsible for the development and implementation of the Panel's public participation plan. Figure 1 shows the organizational structure and membership of the Panel and its technical working groups and committees.

This Public Participation Plan describes the Panel's approach to public participation and the activities it plans to pursue in involving people in decisions relating to the implementation of the Elliott Bay/Duwamish Restoration Program.

¹ *United States of America, et al. v. The City of Seattle and Municipality of Metropolitan Seattle* (now the King County Department of Metropolitan Services), No. 390-395WD (W.D. Wash.). Consent decree entered 12/23/91.

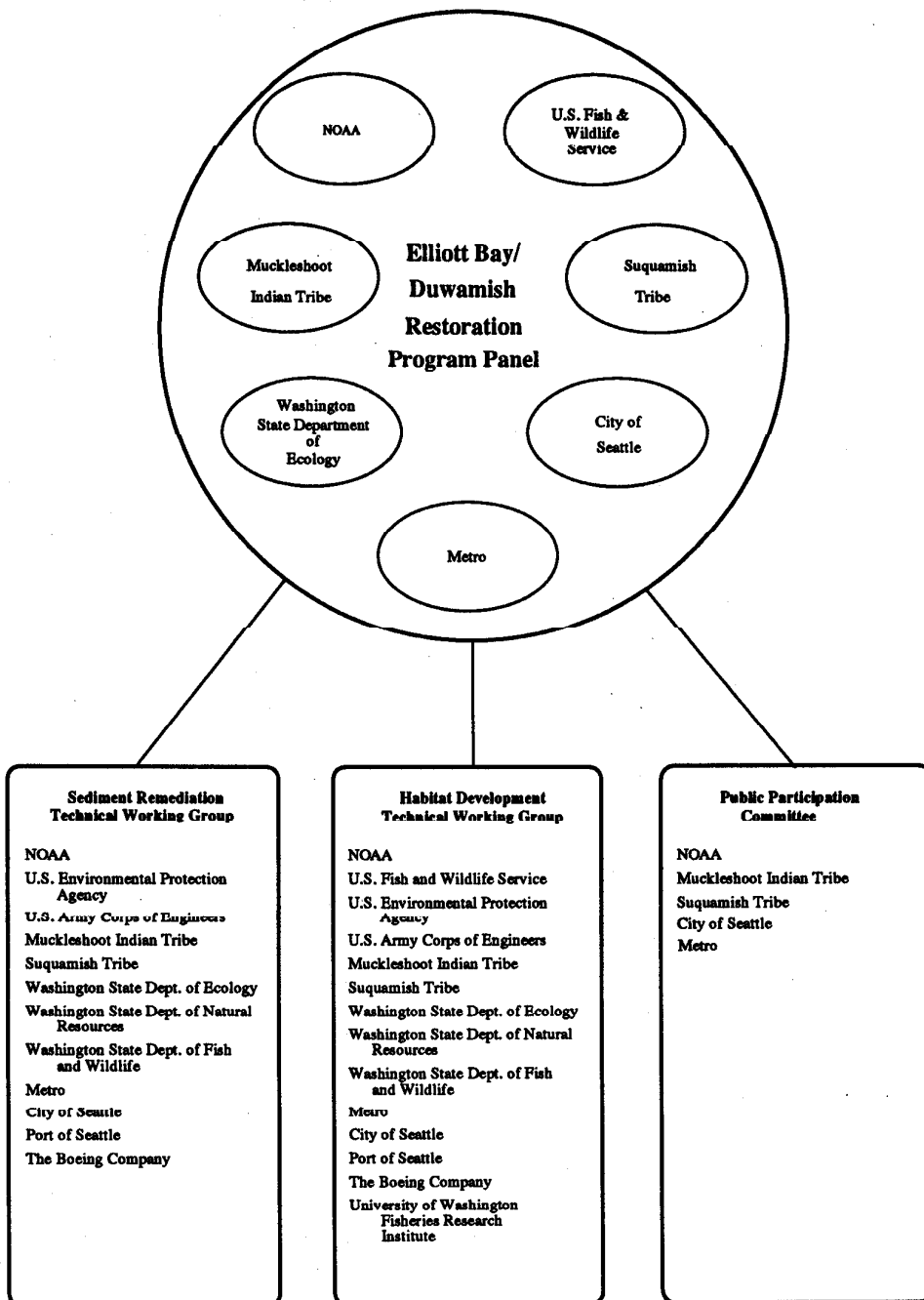


Figure 1

Elliott Bay/Duwamish Restoration Program Structure

Goals and Purpose

Public participation in the Elliott Bay/Duwamish Restoration Program is mandated by the 1991 consent decree that settled the lawsuit and established the Program. The consent decree states:

"The Panel shall provide for public participation in the process by which the Panel selects and designs sediment remediation and habitat development projects. Public participation includes, but is not limited to, public review pursuant to any required environmental review, and public review of any application for a permit, license, or other approval." (§18)

Costs of public review and participation are charged against the \$2 million set aside for Panel functions support. (§10a)

In mid-1992, the Panel conducted interviews with 79 individuals representing 33 organizations, with three individuals representing themselves. (For the list of individuals and organizations, see Appendix A.) A Panel report, *Summary of Stakeholder Interviews*, published in December 1992, summarized the stakeholders' values, concerns and suggestions.

Stakeholders encouraged the Panel to involve the public in problem definition and solution, project selection and long-term stewardship. Specific recommendations included working with all parties to generate a sense of public ownership and excitement about cleanup and restoration efforts through cooperation with schools and public awareness programs. The Panel was also urged to maximize opportunities for industry and media involvement and property-owner acceptance.

Based on the consent decree, stakeholder report, and public meetings and workshops held in 1993, the Panel decided the overall goal of public participation should be to provide for public comment, education and involvement on all aspects of the Panel's activities, including project selection and planning, implementation and, where appropriate, long-term stewardship. Based on this goal, the Panel adopted the following objectives:

- Inform the public about the Program and its goals, plans and activities
- Encourage public comment about proposed goals, plans and activities as they are being developed
- Involve the public in the Program, to the extent possible.

Public Participation Opportunities

The Public Participation Plan focuses on five major areas: meetings, public outreach and education, environmental review of specific projects, program evaluation and an administrative record.

Meetings

The Panel, technical working groups and committees hold regularly scheduled meetings that are open and accessible to the public. Because meeting times and locations are sometimes changed, the Panel recommends that you contact Robert C. Clark Jr., Administrative Director, at (206) 526-4338 to confirm meeting schedules and locations. The Panel also schedules periodic special meetings, such as public information meetings and workshops. With advance notice, sign language interpreters can be provided.

Regularly scheduled meetings

Panel

The Panel oversees the use of funds set aside for projects, planning and design, and support of Panel functions. It directs the sediment remediation, habitat development and source control project activities and the public participation aspects of the Program.

Time: First Thursday of every month, 9:30 a.m.-12:30 p.m.

Location: National Oceanic and Atmospheric Administration, Northwest Fisheries Science Center auditorium, 2725 Montlake Boulevard East, Seattle.

Sediment Remediation Technical Working Group

The Sediment Remediation Technical Working Group was established to assist the Panel in selecting, planning, designing and implementing sediment remediation projects and to provide technical advice to the Panel. It also advises on actions proposed by the City and Metro to achieve the Panel's source control goals.

Time: Second and last Thursdays of every month, 1-4 p.m.

Location: National Oceanic and Atmospheric Administration, Northwest Fisheries Science Center auditorium, 2725 Montlake Boulevard East, Seattle.

Habitat Development Technical Working Group

The Habitat Development Technical Working Group was established to assist the Panel in selecting, planning, designing and implementing habitat development projects and to provide technical advice to the Panel. Under Panel guidance, working group members also work with project managers in developing plans for long-term monitoring, maintenance and stewardship.

Time: Second and last Thursdays of every month, 9 a.m.-noon

Location: National Oceanic and Atmospheric Administration, Northwest Fisheries Science Center auditorium, 2725 Montlake Boulevard East, Seattle.

Public Participation Committee

The Public Participation Committee was established to advise the Panel on opportunities for public involvement and education in all Program activities. The committee also evaluates the implementation of the *Public Participation Plan* and recommends opportunities for continued efforts to ensure public participation.

Time: Second Monday of every month, 1:30-4 p.m.

Location: National Oceanic and Atmospheric Administration, Northwest Fisheries Science Center, 2725 Montlake Boulevard East, Seattle.

Special meetings

Periodically, the Panel holds special meetings to share information with the public and listen to concerns and suggestions. At most meetings, there are informal presentations by members of the Panel, followed by a question-and-answer period. Before the meetings, there is usually an informal open house for viewing displays and talking with members of the Panel. Meetings are scheduled to maximize the sharing of information and comments between the Panel and members of the public.

The Panel's technical working groups also sponsor and cosponsor workshops concerning sediment remediation and habitat restoration issues.

Project meetings

The project manager selected for each individual project will be responsible for coordinating environmental reviews and associated permit applications. In the case of sediment remediation projects, either the City of Seattle or Metro will

serve as the project manager. Each of these entities will work with the Panel to develop the public participation component of workplans to ensure opportunities for comment and review. The Panel will also work closely with habitat development project managers to ensure opportunities for public review and comment.

An information sheet will be prepared for each project and sent to those individuals and groups on the Panel's current mailing list. Because the timing of project selection is uncertain, interested parties are encouraged to contact the Administrative Director of the Panel for further information on the schedule for project selection.

Public Outreach and Education

The Panel places a high priority on public outreach and education. The Panel's methods for involving the public and providing educational opportunities may include, but are not limited to, the following activities:

- Periodic mailings of updates and meeting announcements to interested individuals and organizations. Mailings are sent to a Panel mailing list that includes individuals, community organizations, businesses and governments.
- Periodic news releases and briefings for reporters on Panel activities.
- Development and dissemination of fact sheets and other informational materials describing the Panel's activities, including the work of technical working groups and committees.
- Cooperative efforts with individuals, community organizations, businesses and governments to inform and involve the public, including:
 - Periodic announcements and articles in newsletters published by other organizations, as appropriate and permitted.
 - Cooperation with other intergovernmental programs regarding field trips and opportunities to educate members of the public on Panel habitat development, sediment remediation and source control efforts.
- Cooperative efforts with other organizations to further overall regional restoration goals for Elliott Bay and the Duwamish River.
- Presentations to businesses and community groups interested in the Panel's activities through speaking arrangements made through Robert C. Clark Jr., Administrative Director, at (206) 526-4338.
- Placement of plaques describing Panel habitat development and sediment remediation projects at the sites of those projects.

Environmental Review of Specific Projects

The National Environmental Policy Act (NEPA) requires federal agencies to evaluate the potential environmental impacts of many projects under their jurisdiction. The State (of Washington) Environmental Policy Act (SEPA) requires state and local agencies to carry out similar evaluations. Because Elliott Bay/Duwamish Restoration Program projects will fall under both federal and state jurisdiction, the environmental evaluation requirements of both NEPA and SEPA will have to be met. To minimize duplication, SEPA allows state and local agencies to adopt the NEPA environmental review of a project as the process for meeting SEPA requirements. The Panel will use this approach for Elliott Bay/Duwamish Restoration Program projects.

A NEPA environmental assessment (EA) will be prepared for each selected project to evaluate its potential environmental impacts. When each EA is completed, it will be made available for public comment for at least 30 days. Because an EA may be adopted to meet SEPA requirements at the same time, this one comment period may be used to meet the requirements of both laws. If an EA is adopted for SEPA at a later time, an additional comment period might be provided.

To minimize redundancy, the Panel will use a tiering approach to prepare the EAs. Under a tiering approach, the first EA prepared for a class of projects will include a full discussion of potential impacts, including issues raised in the Panel's *Concept Document*. EAs for subsequent projects in that class will not repeat the full discussion. Instead, they will summarize and refer to the first EA, focusing on additional issues or different impacts associated with the new projects. The EA for an individual project may indicate that a full environmental impact statement (EIS) should be prepared for that project. In that case, if the Panel decides to proceed with the project, an EIS will be developed in a manner that satisfies both NEPA and SEPA.

The environmental review and permit application process for projects will include public involvement activities arranged through the project manager and approved by the Panel. Activities may include formal hearings, public information meetings and comment periods on appropriate environmental documents for each proposed project. Public comment will be sought as required under the applicable permit application processes. Public information and comment meetings will include an open house period for the informal exchange of information between members of the public, project staff and Panel members.

Program Evaluation

Public education and involvement in cleanup, restoration activities and source control are critical to the success of the Panel's efforts. Accordingly, the Panel is interested in continually evaluating its public participation program. Evaluation of public involvement and education efforts occurs through informal discussion and comment forms at special meetings, such as public information meetings and workshops. Panel participation in collaborative education, restoration and remediation efforts provides another measure of public awareness of its activities. Annual reports include a summary of the Panel's public participation activities.

Administrative Record

The Panel maintains an administrative record of Program activities. Appendix B provides an index to the contents of the administrative record to date. The administrative record, which is continually updated, is located at the National Oceanic and Atmospheric Administration, Restoration Center Northwest, Building No. 1, 7600 Sand Point Way N.E., Seattle. Hours are 9 a.m.-3:30 p.m., Monday-Friday. Robert C. Clark Jr., Administrative Director, is available at (206) 526-4338 for information about and review of the administrative record.

A document file of the administrative record is maintained at the Seattle Public Library, Downtown Branch, Government Documents Section, 1000 Fourth Avenue, Seattle. Contact the Government Documents Section at (206) 386-4686. Individuals with a modem may access available information about the administrative record on the library's computer file (386-4140) by entering "Elliott Bay."

Appendix A

Participants in the *Summary of Stakeholder Interviews*

The following is a list of individuals and groups that participated in interviews about the Elliott Bay/Duwamish Restoration Program:

The Panel

U.S. National Oceanic and Atmospheric Administration
Bruce McCain

U.S. Fish and Wildlife Service
Kate Benkert, Alisa Ralph, Joanne Stellini, Curtis Tanner

Washington State Department of Ecology
Dan Cargill, Marianne Deppman, Jane Frost

Suquamish Tribe
Willy Pratt, Louis Ungaro — tribal members
Margaret Duncan, Phyllis Meyers, Jay Zischke — tribal staff

Muckleshoot Indian Tribe
Dave Beedle, Laura Dellaway, Rod Malcom, Dennis Moore, Genevieve Pesarski,
Isabel Tinoco, Greg Zentner — tribal staff

City of Seattle
Bob Chandler, Kevin Clark, Virginia Hassinger, Neil Thibert, Jim Tupper —
Drainage and Wastewater Utility
Tom Tierney — Intergovernmental Relations
Jan Mulder, Cynthia Wellner — Department of Construction and Land Use

King County Department of Metropolitan Services (Metro)
Elsie Hulsizer, Bob Matsuda, Pat Romberg, John Spencer, Gunars Sreibers, Bob Swartz

Regulatory/resource agencies

King County Parks, Planning and Resources Department
Craig Larsen, Lois Schwennesen

King County Surface Water Management Division
Bill Eckel

Port of Seattle
George Blomberg, Doug Hotchkiss

Puget Sound Water Quality Authority
Nancy McKay

Washington State Department of Fisheries
Kurt Fresh

Washington State Department of Natural Resources
David Jamison

Washington State Department of Wildlife
Ted Muller

U.S. Army Corps of Engineers
Pat Cagney, Tom Mueller, Alex Sumeri, Frank Urabeck

U.S. Environmental Protection Agency
John Armstrong, Keith Rose, Michael Rylko, Justine Barton, Linda Storm

Elected officials

Metropolitan King County Council
Bruce Laing

Port of Seattle Commission
Pat Davis

Seattle City Council
Cheryl Chow, Jane Noland

Technical/academic individuals

*University of Washington School of Fisheries
Wetland Ecosystems Team
Charles Simenstad*

*University of Washington School of Civil Engineering
Center for Urban Water Resources Management
Richard Horner*

*University of Washington School of Marine Affairs
Alyn Duxbury, Mark Harshman*

Environmental groups

*Friends of the Duwamish
Lee Moyer*

*People for Puget Sound
Kathy Fletcher*

*Portwatch
Dianna Swain, Martin Swain*

*Puget Sound Alliance
Lee Dorrigan, Ken Moser, Tom Putnam*

*Sierra Club Legal Defense Fund
Rebecca Todd*

*Trout Unlimited
Bill Robinson*

*Washington Environmental Council
Darlene Madenwald, Art Noble*

Business/community leaders

*Boeing Company, The
Kris Hendrickson/Jeff Zahir*

*Individuals
Bonnie Orme, Estelle Shirey, Jim Waldo*

League of Women Voters
Lucy Steers

Seattle Aquarium Society
Wes Uhlman

Trade Development Alliance
Bill Stafford

Appendix B

Administrative Record Index

A. Administrative Record Index

B. Settlement Documents

- B-1 *United States of America, et al. v. The City of Seattle and Municipality of Metropolitan Seattle*, No. 390-395WD (W.D. Wash.). Consent decree entered 12/23/91.
- B-2 Public Notification
 - a) Public Notices
 - b) Summary
- B-3 Public Comment and Responsiveness Summary

C. Decision Documents

- C-1 By-laws
- C-2 Resolutions (See also "E-1 Panel Meeting Minutes.")

D. Publications

- D-1 *Summary of Stakeholder Interviews* (Panel Publication 1), December 1992
- D-2 *Annual Report* (Panel Publication 2), 1992
- D-3 *Draft Concept Document, Panel Publication 3*, August 1993
- D-4 *Pier 53-55 Sediment Cap and Enhanced Natural Recovery Area Remediation Project* (Panel Publication 4), November 1993
- D-5 *Annual Report, Panel Publication 5*, 1993
- D-6 *Public Participation Plan, Panel Publication 6*, June 1994
- D-7 *Concept Document, Panel Publication 7*, June 1994

E. Panel Meetings

- E-1 Panel Meeting Minutes
- E-2 Sediment Remediation Technical Working Group Meeting Minutes
- E-3 Habitat Development Technical Working Group Meeting Minutes
- E-4 Public Participation Committee Meeting Notes

F. Accounting Documents

F-1 Budgets (See also "E-1 Panel Meeting Minutes." For project specific budgets, see "H. Project Documents.")

F-2 Expenditures, Obligations and Encumbrances

- a) Registry Account Disbursements (See also "E-1 Panel Meeting Minutes.")
- b) Sediment Remediation (For project specific budgets, see "H. Project Documents.")
 - i. Administration
 - ii. Planning and Design
 - iii. Construction
 - iv. Monitoring
- c) Habitat Development (For project specific budgets, see "H. Project Documents.")
 - i. Administration
 - ii. Planning and Design
 - iii. Implementation
 - iv. Monitoring
- d) Real Estate Acquisitions
- e) Source Control

G. Administrative Director Activities

G-1 Annual Reports

G-2 Correspondence

G-3 Quarterly Reports of Activities and Expenses

H. Project Documents

H-1 Pier 53-55

- a) Scope of Work
- b) List of Deliverables

H-2 Elliott Bay Waterfront Recontamination Study

- a) Scope of Work
- b) *Request for Proposal Task 3: Modeling.* August 1, 1993. (Procurement No. ECY RFP 9401 — TOX)
- c) *Elliott Bay Waterfront Recontamination Study Sampling Plan.* Washington State Department of Ecology Toxics Investigations Section, Environmental Investigations and Laboratory Services Program. September 1, 1993.

H-3 Seaboard Lumber

I. Public Workshops/Meetings

(For project specific workshops/meetings, see "H. Project Documents.")

I-1 Fact Sheets and Agendas

- a) Public Meeting, February 10, 1993
- b) Habitat Development Workshop, April 14, 1993
- c) Sediment Remediation Workshop, April 21, 1993
- d) Waterfront Recontamination Study Field Investigation Planning Meeting, August 12, 1993
- e) Public Meeting, September 29, 1993

I-2 Evaluation Sheets

- a) Public Meeting, February 10, 1993
- b) Habitat Development Workshop, April 14, 1993
- c) Sediment Remediation Workshop, April 21, 1993
- d) Public Meeting, September 29, 1993

I-3 Sign-in Sheets

- a) Public Meeting, February 10, 1993
- b) Habitat Development Workshop, April 14, 1993
- c) Sediment Remediation Workshop, April 21, 1993
- d) Public Meeting, September 29, 1993

I-4 Flip Chart Comments and Special Meeting Notes

- a) Flip Chart Comments, February 10, 1993
- b) Flip Chart Comments, April 14, 1993
- c) Flip Chart Comments, April 21, 1993
- d) Flip Chart Comments, September 29, 1993

I-5 Audio-Visual Documentation

- a) Tapes of Meetings
- b) Videos of Meetings

J. Public Notification

(For project specific notification, see "H. Project Documents.")

J-1 Meeting Announcements

J-2 News Media/Newsletter Notification

J-3 Legal Notices

K. Articles in Newspapers, Newsletters and Other Publications

K-1 Newspaper Articles

K-2 Newsletter Articles

K-3 Other Publications

L. Reference Materials